

REMARKS

This Amendment is intended to respond fully to the non-final Office Action mailed in the present application on January 31, 2005. In this Office Action, claims 23-26 were allowed, claims 1-3, 10-16, 27-29 and 33 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,694,323, claims 27-33 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter and claims 8, 19 and 32 were objected to as being dependent upon a rejected base claim. The Examiner kindly indicated that claims 8, 19 and 32 would be in allowable form if rewritten in independent form including all of the limitations of the base claim and any intervening claims. See Office Action, at page 6.

Reconsideration of the present application is respectfully requested in light of the amendment to the claims and the comments that follow:

A. Claim Rejections - 35 U.S.C. §102(b)

Independent claims 1, 16 and 27 have been amended to recite all limitations previously recited in allowable claims 8, 19 and 32, respectively. Claims 1, 16 and 27 are thus believed to be in condition for allowance. In this regard, claims 8, 19 and 32 have been canceled in favor of continuing prosecution of the allowable subject matter recited therein in independent form.

Claims 2-3 and 10-15 depend from claim 1, claim 20 depends from claim 16 and claims 28-29 and 33 depend from claim 32. Each of these dependent claims are distinguished from the art of record for at least the same reasons as independent claims 1, 16 and 27, and thus, are also believed to be in condition for allowance.

B. Claim Rejections - 35 U.S.C. §101

Claim 27 has been amended to specifically recite a computer program of instructions that, when “executed” by a computing system, performs the computer process recited therein, as suggested by the Examiner in paragraph 7 on page 4 of the Office Action. Thus, the non-statutory based rejections to claims 27-29 and 32-33 are believed addressed by this Amendment.

C. Comments to the Examiner’s Statement on the Reasons for Allowance

Finally, Applicant would like to note that the reasons for allowability of claims 23-26 as well as claims 8, 19 and 32 provided by the Examiner are not the only reasons that these claims are allowable over the art of record. Indeed, further reasons for allowance of the claims beyond


those enumerated by the Examiner are described and set forth in the specification of the present application.

CONCLUSION

This Amendment and the accompanying remarks are believed to be responsive to all points raised in the Office Action mailed January 31, 2005. Claims 1-3, 10-16, 19-20, 23-29 and 33 remain pending in the present application and are believed to be in condition for allowance. Should the Examiner have any remaining questions or concerns, he is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns. No fees are believed due with this Amendment. However, if this is not the case, please charge any requisite fees, including any extension fees under 37 C.F.R. §1.136(a), to Deposit Account No. 13-2725. Additionally, please credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

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